

CITY OF MILPITAS MEETING MINUTES

Minutes of: Regular Meeting of the Milpitas City Council
Date: Tuesday, March 16, 2021
Time: 7:00 PM Open Session
Location: Meeting held via teleconference/zoom webinar online
Milpitas, CA

CALL TO ORDER

Mayor Tran called the regular meeting to order at 7:00 PM. City Clerk Wendy Wood called the roll. The meeting took place via teleconference/zoom webinar.

PRESENT: Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan (arrived at approximately 6:03 PM)

ABSENT: None

PLEDGE

Mayor Tran led all in the Pledge of Allegiance.

PRESENTATION

Mayor Tran proclaimed March 31, 2021, as "Cesar Chavez Day" in the City of Milpitas and commented on the flag-raising that will take place at the Cezar Chaves Plaza outside the Senior Center. He commented on the Santa Clara Valley Science and Engineering Fair Association, stating that Milpitas has several STEM winners and introduced Forrest Williams to speak about the Science Fair.

Forrest Williams, Board Member and Publicity Chair for the Santa Clara Valley Science and Engineering Fair Association, spoke about the association, the annual Science Fair, and thanked all the students that participated.

PUBLIC FORUM

The following spoke during Public Comment:
1. Voltaire Montemayor

ANNOUNCEMENTS & FUTURE AGENDA ITEMS

City Manager McHarris announced that on Thursday, March 25, at 11:00 a.m. the Office of Economic Development will partner with the Northern California Small Business Development Center, the Small Business Administration, and the Governor's Office of Business and Economic Development to conduct a webinar. Small businesses can register for this webinar through the City's COVID19 Business website. He also stated that the City had its first virtual community budget meeting last Thursday, March 11, as part of the Fiscal 21-22 budget outreach process, with over 100 views on the social media channels. The meeting was recorded and is on the City's website. The second virtual community meeting is scheduled for Thursday, April 1, at 6:00 p.m. Community members can register for this meeting on the City's website. City Manager McHarris also invited the community to take the online Milpitas budget challenge survey, to help identify the services and amenities that are important to the residence.

Mayor Tran announced the City of Milpitas was included in the American Rescue Plan and the City will be receiving 16.9 million dollars in federal stimulus funds through this plan.

Councilmember Chua spoke about the Olyns recycling machine pilot project in the Safeway grocery store and shared a short video on how it works. She thanked City staff for creating the Milpitas ADU Monday Program. She spoke about unhoused individuals cleaning up the creek and a possible creek clean-up project with Valley Water. She also requested a quarterly clean-up tracking report to show how many sites have been cleaned up and presented a sample document.

Vice Mayor Montano commented on Cesar Chavez and stated that Milpitas has a Chavez Community Garden and the Cesar Chavez Children's reading room at the Library. She also asked about agendaing her request for a discussion to provide a second round of small business grants and discussed putting it on the next agenda. Vice Mayor Montano commented on a sound wall in the Pines area and requested placing a mural in the transit area. She discussed exploring a mural program and would like some information on the framework or best practices to come back to Council in the next 90 days.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR

2

**COMMUNITY SERVICES &
SUSTAINABLE
INFRASTRUCTURE**

9. Presentation from PG&E

Assistant City Manager Kantak introduced the item and Pacific Gas & Electric (PG&E) representatives Daniel Cedeño, Local Government Relations Representative for Santa Clara County, Kevin Conant, Senior Public Safety Specialist for Santa Clara County, and Donald Hall, Senior Manager for Local Customer Experience in Santa Clara County. PG&E representatives gave a presentation on the community wildfire safety program which included information on public safety power shutoffs (PSPS), unscheduled power outages, and actions that were taken to minimize future outages and disruptions.

Council commented on the Town Hall meeting PG&E participated in to provide information to the Milpitas residents and provided suggestions for additional information sharing.

The following spoke during Public Comment:

1. Urvishkumar Mehta
2. Voltaire Montemayor

No motion was made for this agenda item.

10. Presentation on the Park
and Recreation Master Plan
Update

Engineering Director/City Engineer Erickson provided background information on this item and an update on the Parks Master Plan. He then introduced Alan Pennington from the Matrix Consultant Group to present the cost recovery assessment and cost recovery policy recommendation.

Council asked clarifying questions and stated general support of the recommendations.

Recreation and Community Services Director Lorentzen provided additional information for Council related to questions on service programs and labor cost.

The following spoke during Public Comment:

1. Urvishkumar Mehta
2. Voltaire Montemayor

Motion: to adopt **Resolution No. 9049** approving the Cost Recovery Policy for Recreation and Community Services Department.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by a vote of: AYES: 5
NOES: 0

**LEADERSHIP AND SUPPORT
SERVICES**

11. Federal Coronavirus Relief
Funds Spending Plan
Consideration

This item was deferred to the May 11, 2021, Budget Study Session, during Approval of Agenda. Motion was approved as follows.

Motion/Second: Vice Mayor Montano / Mayor Tran

Motion carried by a vote of: AYES: 5
NOES: 0

12. Council Requested
Workplan Items

Assistant City Manager Kantak provided background information and a summary of the budgetary implications for the requested items.

Public Works Director Ndah provided a summary of item one "Beautify Milpitas."

Mayor Tran asked the City Council to digitally vote on this item.

City Attorney Diaz clarified for the public that this vote is an initial poll. He stated that at the end of the presentation of all the items and after public comment the City Council will review their votes and decide if they would like to make any changes.

The polling votes were displayed for the public to view.

Mayor Tran left the meeting at 10:00 p.m.

Vice Mayor Montano facilitated the meeting in the Mayor's absence.

Housing Manager Marcus provided a summary of item two "Consider Removing Affordable Housing In-Lieu Fee."

Mayor Tran rejoined the meeting at 10:07 p.m. stating he had a power outage causing him to lose internet connection. Vice Mayor Montano asked Mayor Tran to continue the meeting.

Deputy Fire Chief Frawley provided a summary of item three "COVID-19 Testing and Vaccine Distribution Plan."

Vice Mayor Montano spoke about item four "Economic Development Corporation" and referred to the memo that was sent as an additional attachment after the agenda was posted.

Council discussed concerns and differences between the Vice Mayor's info memo and the staff proposal. This item was deferred to the next Council meeting to allow the Vice Mayor time to follow up with staff and revise the proposed plan.

Planning Director Thomas provided a summary of item five "Main Street Revitalization and Impact Fees."

This item was deferred to the next meeting to allow the Vice Mayor time to follow up with staff and revise the proposed plan.

Assistant City Manager Kantak presented a summary of item six "Mayor and Councilmember Term Limits."

Council discussed changing the term limits to a lifetime two-term limit with the terms of four-years. Council also requested that staff agendize for a future meeting, information to place a measure on the ballot to change the Mayor from directly elected to a rotational at-large position. Mayor Tran asked Council to submit their digital vote for this item, and only as it pertained to the term limits.

Engineering Director/City Engineer Erickson provided a summary of item seven "Speed Hump Policy." Mayor Tran stated that this item was not in the final stage yet, so this vote would be to keep it alive.

Building Official Bill Tott provided a summary of item eight "Unpermitted ADU Legalization Program."

Planning Director Thomas provided a summary of item nine "Vaping Ban" explaining Phase 1 and Recreation and Community Services Director Lorentzen spoke about Phase 2.

The polling results for each item were displayed and City Clerk Wood summarized the digital votes as follows:

1. Beautify Milpitas received a unanimous 5-0 vote

2. Consider Removing Affordable Housing In-Lieu Fee received a 4-1 vote, Councilmember Phan voted no
3. Covid-19 Testing and Vaccine Distribution Plan received a unanimous 5-0 vote
4. Economic Development Corporation (EDC) was deferred to the next meeting
5. Main Street Revitalization and Impact Fees was deferred to the next meeting
6. Mayor and Councilmember Term Limits received a 3-1-1 vote, Councilmember Dominguez abstained, and Councilmember Phan voted no
7. Speed Hump Policy Review received a unanimous 5-0 vote
8. Unpermitted ADU Legalization Program received a unanimous 5-0 vote
9. Vaping ban received a 4-1 vote, Councilmember Phan voted no

City Attorney Diaz suggested that Council take Public Comment on this item and then confirm that the motion would be to include within the FY21/22 budget all of the items the City Clerk noted.

The following spoke during Public Comment:

1. Voltaire Montemayor

Motion: to accept the digital votes.

Motion/Second: Councilmember Phan / Councilmember Chua

Motion carried by a vote of: AYES: 5
NOES: 0

C13. Appointments to the Measure F Oversight Committee

Per Mayor's Recommendations, appointed Seven Members and Two Alternate Members to the Measure F Oversight Committee for 3-year terms to expire in March 2024.

This item was moved onto the Consent Calendar and approved as follows.

Motion/Second: Mayor Tran / Councilmember Phan

Motion carried by a vote of: AYES: 5
NOES: 0

C14. Appointments for City Commissions

Receive Mayor Tran's recommendations and approve recommendations for final appointment by the Mayor for the Art Commission and the Library and Education Advisory Commission.

This item was moved onto the Consent Calendar and approved as follows.

Motion/Second: Mayor Tran / Councilmember Phan

Motion carried by a vote of: AYES: 5
NOES: 0

15. Councilmember Dominguez, Discuss Distribution of COVID-19 Vaccines

This item was deferred to the April 20, 2021, City Council meeting, during the Approval of Agenda. Motion was approved as follows.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by a vote of: AYES: 5
NOES: 0

16. Councilmember Phan, Discuss an Amendment to Existing Ordinance for Third-Party Food Delivery Vendor Services

Due to the late hour, Councilmember Phan requested that this item be deferred.

C17. List of Agenda Items
Requested by City
Councilmembers

This item was moved onto the Consent Calendar and approved as follows.

Motion/Second: Mayor Tran / Councilmember Phan

Motion carried by a vote of: AYES: 5
NOES: 0

C18. Preview Agenda Items

This item was moved onto the Consent Calendar and approved as follows.

Motion/Second: Mayor Tran / Councilmember Phan

Motion carried by a vote of: AYES: 5
NOES: 0

INVOCATION

Mayor Tran spoke about the recent hate crimes and stated that he wanted to take a moment of silence to acknowledge the victims that have impacted and lost their lives.

ADJOURNMENT

Mayor Tran adjourned the meeting at 12:06 AM, March 17, 2021.

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The foregoing minutes were approved by Milpitas City Council on April 6, 2021.

Wendy Wood
City Clerk